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EXTRAORDINARY

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MINISTRY OF LAW

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The following President's Acts enacted on 21st December, 1951, are published for general information:—

**THE PUNJAB DISTRICT BOARDS AMENDMENT
ACT, 1951.**

No. VI of 1951

An Act further to amend the Punjab District Boards Act, 1883

[21st December, 1951]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. Short title and commencement.—(1) This Act may be called the Punjab District Boards (Amendment) Act, 1951.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 11, Act XX of 1883.—In section 11 of the Punjab District Boards Act, 1883 (hereinafter referred to as the principal Act),—

(i) for sub-sections (1) and (2), the following sub-section shall be substituted, namely:—

“(1) A district board or local board shall consist of such number of elected members as the State Government may fix in this behalf:

Provided that the State Government may nominate to each board such number of officials, not exceeding eight, as may be fixed by it to act as advisers, who shall have the right to take part in the proceedings of the board in an advisory capacity, but shall not, by virtue of anything contained in this Act, be deemed to be members thereof or be entitled to vote.”;

(ii) in sub-section (3), the words, brackets and figure “under a direction issued under sub-section (2)” shall be omitted.

3. Amendment of section 11A, Act XX of 1883.—In proviso (b) to section 11A of the principal Act, the words, brackets and figures “in the manner prescribed in sub-section (2) of section 11” shall be omitted.

4. Amendment of section 12, Act XX of 1883.—In section 12 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Any person nominated by virtue of his office to a board under the proviso to sub-section (1) of section 11 shall, unless and until the State Government otherwise directs, be deemed to have been nominated to the board for so long as he continues to hold that office.”;

(ii) in sub-section (2), for the words “all other elected and appointed members, respectively,” the word “members” shall be substituted.

5. Amendment of section 14, Act XX of 1883.—In section 14 of the principal Act, the word “or” at the end of clause (d), and clause (e) shall be omitted.

6. Amendment of section 15, Act XX of 1883.—In section 15 of the principal Act—

(i) in sub-section (1), for the words “elected member” the words “elected or appointed member” shall be substituted;

(ii) sub-section (2) shall be omitted.

7. Amendment of section 18, Act XX of 1883.—In section 18 of the principal Act,—

(i) in sub-section (1), the words “or appointed” shall be omitted;

(ii) sub-section (2) shall be omitted.

8. Amendment of section 19, Act XX of 1883.—In section 19 of the principal Act, in sub-section (1), the words and brackets “not being (whole-time salaried servants) of Government” shall be omitted.

9. Amendment of section 20, Act XX of 1883.—In section 20 of the principal Act, in sub-section (1), the word “and” at the end of clause (e) shall be omitted and after clause (f) the following clause shall be inserted, namely:—

“(g) the fulfilling of any other obligation imposed upon the district board by or under this Act or any other law for the time being in force”

10. Amendment of section 27, Act XX of 1883.—In section 27 of the principal Act, sub-section (3) shall be omitted.

11. Amendment of section 45, Act XX of 1883.—In section 45 of the principal Act, after the words “conferred by law” the words “or is contrary to the interests of the public or is likely to cause waste of, or damage to, the funds or other property of the board” shall be inserted.

12. Amendment of section 54, Act XX of 1883.—In section 54 of the principal Act, in sub-section (3), the words “boards or” shall be omitted.

13. Substitution of new section for section 59, Act XX of 1883.—For section 59 of the principal Act, the following section shall be substituted, namely:—

“59. Liability of members of boards.—(1) Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the district board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a local board or of the district board, and any such person may, after being given an opportunity by notice served in the manner provided for the service of summonses in the Code of Civil Procedure, 1908 (Act V of 1908), to show cause by written or oral representation why he should not be required to make good the loss, be surcharged with the amount of such money or the value of such property by the Deputy Commissioner.

(2) The person against whom an order under sub-section (1) has been made may, within thirty days of the order, appeal to the State Government or to any officer specified by the State Government in this behalf, and the appellate authority may confirm, modify or revoke the surcharge:

Provided that nothing in this section shall be deemed to debar the aggrieved party from seeking his remedy in a civil court against an order made under sub-section (1).

(3) Where the amount surcharged under this section is not paid within fourteen days of the expiry of the period of appeal specified in sub-section (2) or, where an appeal has been preferred under sub-section (2) within fourteen days of the order passed on such appeal, the Collector, at the request of the Deputy Commissioner, shall forthwith proceed to recover the amount in the same manner as an arrear of land revenue and have it credited to the district fund.

(4) Notwithstanding anything contained in this section, no person shall be called upon to show cause why he should not be required to make good any loss after the expiry of four years from the occurrence of the loss, waste or misapplication or after the expiry of one year from his ceasing to be a member of the board.”

14. Insertion of new section 65 in Act XX of 1883.—After section 64 of the principal Act, the following section shall be inserted, namely:—

“65. Power of State Government to authorise district boards to exercise certain powers under Punjab Act III of 1911.—The State Government may, by notification in the Official Gazette, direct that any powers exercisable by a municipal committee under Chapter IX or Chapter X or Chapter XI of the Punjab Municipal Act, 1911 (Punjab Act III of 1911), may, in such circumstances and subject to such conditions and restrictions as may be specified in the notification, be exercised by a district board in the district or in any area thereof subject to its jurisdiction.”

15. Amendment of section 72, Act XX of 1883.—In section 72 of the principal Act, in sub-section (1), for the words “thirty days” the words “sixty days” shall be substituted.

RAJENDRA PRASAD,

President.

Reasons for the Enactment

It is felt that in the future set-up of district boards there should be no appointed members or appointed chairmen and that as far as possible all the members should be elected. At the same time provision should be made for associating a prescribed number of nominated persons to advise the district boards in the discharge of their duties, but without a right to vote. Incidentally it is also necessary to amend certain sections of the Punjab District Boards Act, 1883, so as to authorise Deputy Commissioners and Commissioners to suspend any resolution or order of a district board if it is contrary to the interests of the public or of the board itself. Powers are also necessary to extend any provision of the Punjab Municipal Act, 1911, to district board areas so as to regulate planning and development in rural areas adjoining municipal committees. This enactment, which replaces a Punjab Ordinance on the same subject, namely, Ordinance IX of 1951, makes necessary provisions in this behalf, and incidentally extends the period of limitation for appeal from an order of assessment of district board taxes from 80 days to 60 days.

H. V. R. IENGAR,
Secy. to the Govt. of India,
Ministry of Home Affairs.

**THE PUNJAB SMALL TOWNS (AMENDMENT) ACT,
1951**

No. VII OF 1951

An Act further to amend the Punjab Small Towns Act, 1921.

[21st December, 1951]

IN exercise of the powers conferred by section 8 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. Short title and commencement.—(1) This Act may be called the Punjab Small Towns (Amendment) Act, 1951.

(2) It shall come into force at once.

2. Amendment of sections 3 and 4, Punjab Act II of 1922.—In the Punjab Small Towns Act, 1921 (hereinafter referred to as the principal Act), in sub-section (3a) of section 3 and in sub-section (4) of section 4,—

(i) after the words “notified area”, where they occur for the first time, the words “or a municipality” shall be inserted; and

(ii) for the words “notified area committee” the words “notified area committee or municipal committee, as the case may be,” shall be substituted.

3. Amendment of sections 15 and 19, Punjab Act II of 1922.—In section 15 and in clause (b) of section 19 of the principal Act, after the words “notified area”, where they occur for the first time, the words “or a municipality” shall be inserted, and after the same words, where they occur a second time, the words “or municipal committee, as the case may be” shall be inserted.

RAJENDRA PRASAD.
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the Enactment

The Punjab Small Towns Act, 1921, *inter alia* enables the Government to convert municipal committees into town committees; but there is no provision whereunder the disposal of the assets and the liabilities of a municipal committee converted into a town committee is to be regulated. The present enactment removes this lacuna in the law, and continues in operation similar provisions in a Punjab Ordinance promulgated in this behalf, namely, Punjab Ordinance VIII of 1951.

H. V. R. IENGAR,

*Secy. to the Govt of India,
Ministry of Home Affairs.*

